



PATENT

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Docket No. 1570-095 JUL 11 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE MAIL ROOM

In re Application of:

) Preliminary  
 ) Group Art Unit: 2875  
 )  
 ) Examiner: Unassigned

Randy Marchetti

Entitled: "LAMP ASSEMBLY WITH  
DUAL MODE REFLECTOR"

Filed: October 30, 2001

Serial No.: 10/040,268

Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

**AFFIDAVIT OF GREGG J. GHELFY**

I, Gregg J. Ghelfi, being over the age of 21 and having been duly sworn,  
hereby state and declare as follows:

1. I am the President of RM Racing, LLC (hereinafter "RM Racing"), the  
assignee of record for this application. I have held the position of President for  
approximately the past year.

2. RM Racing enlisted the services of ACA Performance, Inc. of Ontario,  
Canada (hereinafter "ACA") in developing tooling for RM Racing's commercial  
embodiment of the invention disclosed in the captioned patent application. As part  
of that work, ACA signed an Exclusive Headlamp Reflector Development  
Agreement with RM Racing (hereinafter the "Agreement") in which ACA agreed

that RM Racing would retain ownership of the tooling, and of any intellectual property rights associated with the products under development.

3. Subsequent to the execution of the Agreement, RM Racing learned that ACA was working on the development of a very similar if not identical design.

4. On or about June 5, 2002, I learned that Osram Sylvania, Inc. (hereinafter "Sylvania") is marketing and selling a product named Xenarc® X6024 Sealed Beam Upgrade Kit (hereinafter the "Accused Infringing Product"), apparently in cooperation with ACA. I ordered a unit of the Accused Infringing Product via the Internet. I received an order confirmation bearing the date of June 5, 2002, a true and correct copy of which is attached hereto as Exhibit 1. Shortly after placing the order, also on June 5, 2002, I received an e-mail memo from Sylvania confirming the order confirmation and providing additional information. A true and correct copy of this e-mail memo also is attached as part of Exhibit 1.

5. On or about June 8, 2002, I received the unit of the Accused Infringing Product that I had ordered on or about June 5, 2002. The Product was contained in Sylvania packaging. RM Racing's counsel and I took photographs of the Accused Infringing Product as I received it on or about June 8, 2002, true and correct copies of which are attached hereto as Exhibit 2.

6. I have reviewed the captioned patent application, including the claims, and I am generally familiar with it. In view of the patent application, and together with RM Racing counsel, I made a rigid comparison of the Xenarc X6024 Sealed Beam Upgrade Kit with the claims of the application. Based upon my review, and

in my opinion, at least some of the claims of the application are unquestionably infringed.

7. The Xenarc® X6024 Sealed Beam Upgrade Kit is lamp assembly comprising a reflector including first and second reflective concave surface regions adjacent to one another. The first reflective concave surface region comprises a first curvature for directing light emanating from a first focal point adjacent to but spaced apart from the first reflective concave surface region into a near field beam. The second reflective concave surface region comprises a second curvature for directing light emanating from a second focal point adjacent to but spaced apart from the second reflective concave surface region into a far field beam. The Xenarc® X6024 Sealed Beam Upgrade Kit further comprises a high intensity discharge light source positioned substantially at the first focal point, a halogen light source positioned substantially at the second focal point, and a light-transmissive cover fitted over the reflector. The reflector is substantially circular.

Further Affiant Sayeth Not.

Signed this 1 day of July, 2002



\_\_\_\_\_  
Gregg J. Gelfi

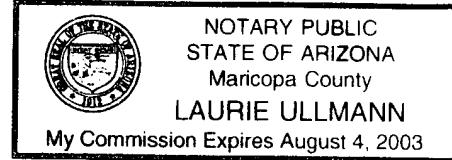
STATE OF ARIZONA      )  
                            ) ss.  
County of Maricopa      )

SUBSCRIBED AND SWORN TO by Gregg J. Ghelfi before me, the  
undersigned notary public, this 1st day of July, 2002.

Laurie Ullmann  
Notary Public

My Commission Expires:

August 4, 2003



**CERTIFICATE OF EXPRESS MAIL**

Express Mail Mailing Label No. EV 117190624 US

Date of Deposit: July 2, 2002

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Lisa Mansur

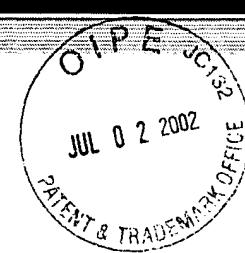
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Order Date: 06/05/2002 at

Bill To: Gregg Ghelfi  
gregg@gcaindustries.com

Ship To: Gregg Ghelfi  
16161 N. 81st St.  
Scottsdale, Arizona 85260  
United States  
480 483-2203

Name On Card: Gregg Ghelfi  
Card Auth Num: SECURE EMAIL

Product Name	Qty	Price	Item
Xenarc® HID X6024 Sealed Beam Upgrade Kit [ 32339 ]	1	699.00	

*order # 39071*

Order Subtotal:  
Shipping & Handling:  
Sales Tax:  
Order Grand Total:

**Thanks for your patronage.**  
Print this as confirmation of your order.

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**Exhibit 1**

**Gregg Ghelfi**

**From:** OSRAM SYLVANIA INC - SYLVANIA Xenarc HID Order Center  
[sales3@conceptp.com]  
**Sent:** Wednesday, June 05, 2002 9:15 AM  
**To:** Gregg Ghelfi  
**Subject:** OSRAM SYLVANIA INC - SYLVANIA Xenarc HID Order ID # 39071

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From the OSRAM SYLVANIA INC - SYLVANIA Xenarc HID Order Center

<p>Thank you for your order!</p>

<p>Your order cost includes Federal Express priority #2 processing for shipments within the continental United States. Your card will not be charged until the shipment has left our facility. If you request overnight service or shipment outside the continental United States, you will be notified of additional costs under separate e-mail. Prior to shipment your order can be altered at any time by contacting Customer Service @ 1-866-457-0499 or 845-561-9679, Monday through Friday 8am-5pm EST.</p>

<p>Please retain this order confirmation for your records and don't hesitate to contact us if there is any additional information we can provide. Your Xenarc purchase will be serviced in the order it was received and our goal is to provide this service as quickly and efficiently as possible.</p>

<p>If you placed an order with a reference number, you will receive a separate order confirmation.</p>

<p>Enjoy your Xenarc purchase!</p>

<p>For ordering assistance or questions about your order contact Customer Service Toll Free at 1-866-457-0449 or 845-561-9679, Monday through Friday 8am-5pm EST. For technical, installation or product information contact Customer Service at 1-800-729-3777 or #1-603-464-5533 Monday through Thursday 8am-7pm EST and Friday 8am-5pm EST.</p>

<p>Customer Service ordering assistance:

Xenarc.WebMail@Sylvania.com</p>

<p>Customer Service technical, installation or product assistance: cswebmail@Sylvania.com</p>

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## Order Information

Date Purchased: 06/05/2002 12:23 PM  
Order Number: 39071

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## User Information

Gregg Ghelfi

[gregg@gcaindustries.com](mailto:gregg@gcaindustries.com)

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## Shipping Information

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Gregg Ghelfi  
16161 N. 81<sup>st</sup> St.  
Scottsdale, Arizona 85260  
United States  
480 483-2203

Ln#	Description	Qty	Price
001	Xenarc® HID X6024 Sealed Beam Upgrade Kit	1	699.00

Shipping Method: [No Shipping Method]  
[ 32339 ]

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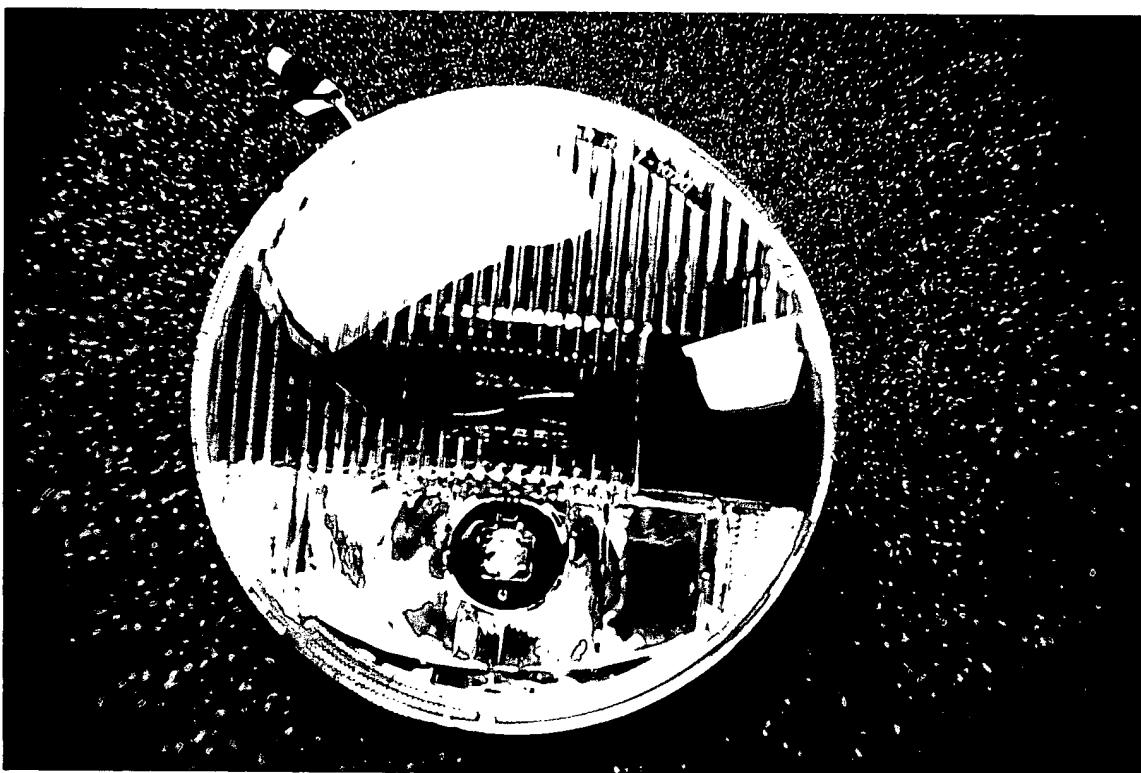
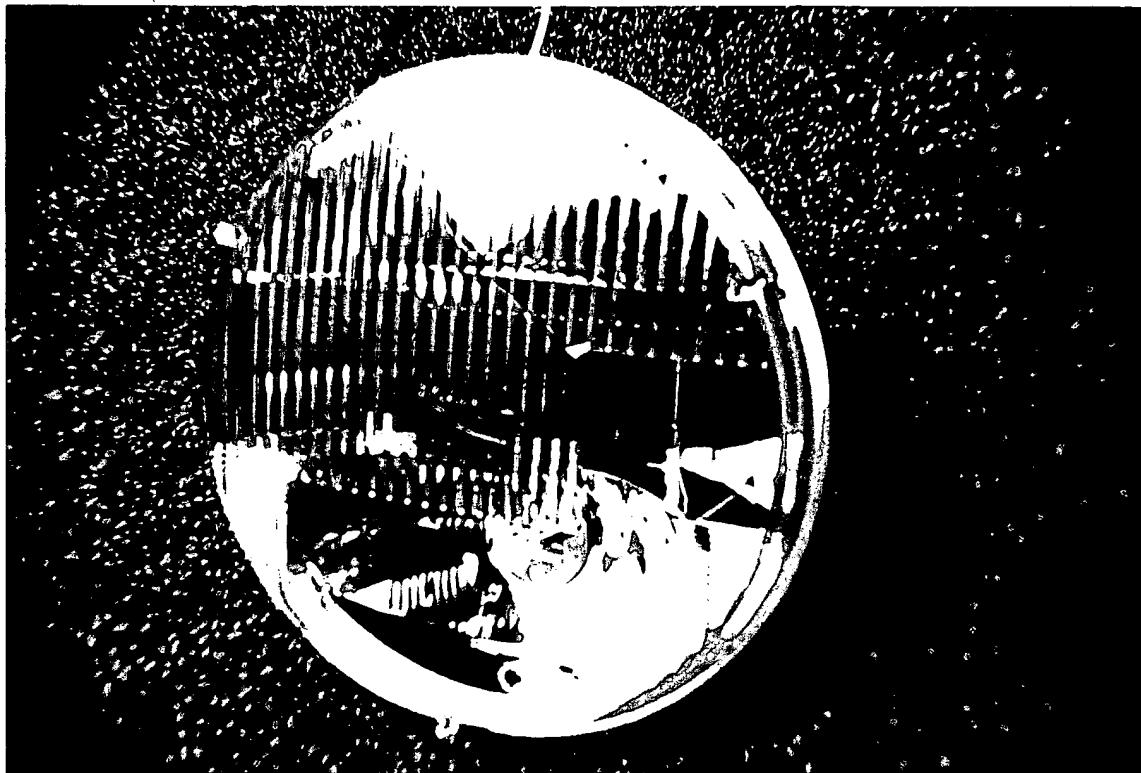
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Shipping/Handling ->	0.00
Tax Total ->	0.00
Grand Total ->	699.00

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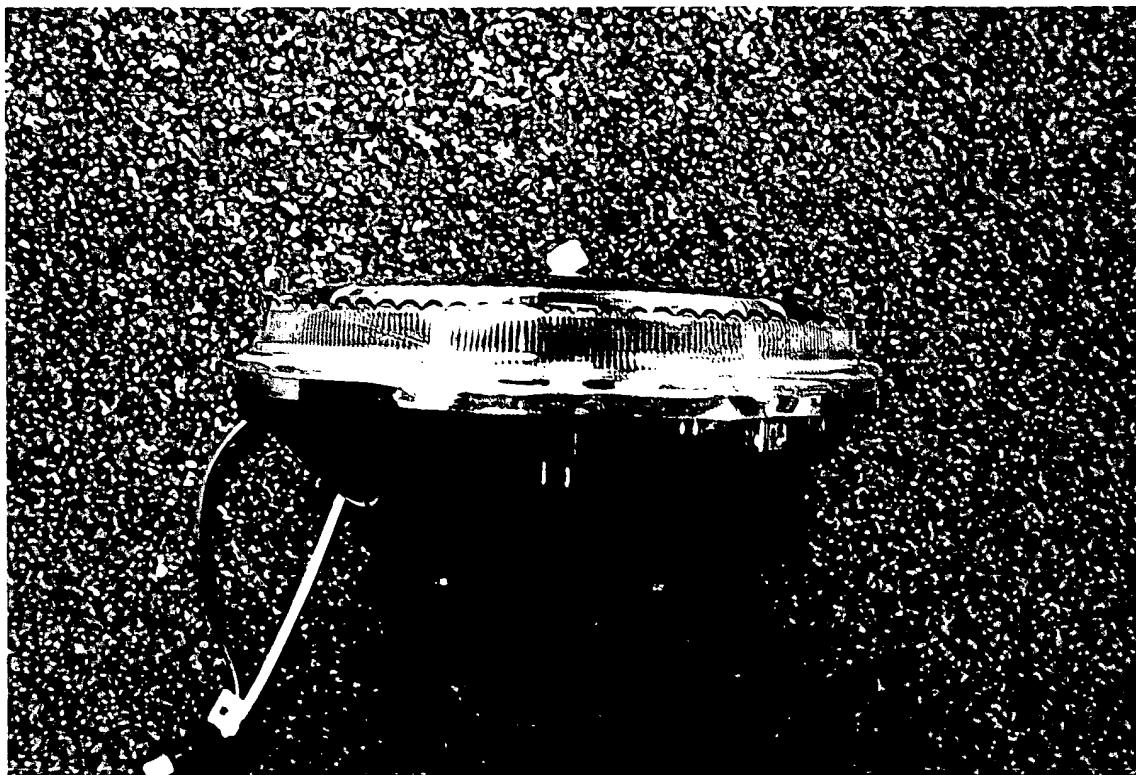
## Payment Information

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CC Type: American Express  
CC Charges: 699.00  
Authorization Num: SECURE EMAIL



**Exhibit 2**





PATENT  
Docket No. 1570-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Preliminary  
Randy Marchetti ) Group Art Unit: 2875  
Entitled: "LAMP ASSEMBLY WITH )  
DUAL MODE REFLECTOR" )  
Filed: October 30, 2001 )  
Serial No.: 10/040,268 )  
\_\_\_\_\_  
)

Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

JUL 11 2002  
TC 2800 MAIL ROOM

AFFIDAVIT OF STEPHEN T. SULLIVAN

I, Stephen T. Sullivan, being over the age of 21 and having been duly sworn, hereby state and declare as follows:

1. I am a patent attorney with the Sullivan Law Group, 5060 North 40<sup>th</sup> Street, Suite 120, Phoenix, Arizona 85018. I am currently registered to practice before the U.S. Patent & Trademark Office. My registration number is 32,444. I caused the captioned patent application to be filed on behalf of the inventor and the assignee.

2. I caused a search of the claimed invention to be made in the records of the U.S. Patent and Trademark Office. I understand from the searcher that the search was conducted in Class 362, subclasses 228, 229, 241, 243, 247, 296, 297, 349, 487, 507, 517, 518, and 543; Class 313, subclasses 111, 113, 114, and 115; and

Class 315, subclasses 77 and 82. True and correct copies of the documents uncovered in this search as provided to me are attached to the Information Disclosure Statement submitted concurrently with this Affidavit.

3. I also consulted with inventor Randy Marchetti and RM Racing President Gregg J. Ghelfi as to their knowledge of the pertinent art, and the existence of potentially material art. It is my understanding and belief that these individuals have reasonably good familiarity with the pertinent field and with the art in it. Without waiver of any privilege or privileged information and reserving all rights regarding privilege, I was able to identify information that may qualify as prior art, and which the Examiner may deem material to the prosecution of the application. True and correct copies of the documents as I received them are attached to the Information Disclosure Statement filed concurrently with this Affidavit.

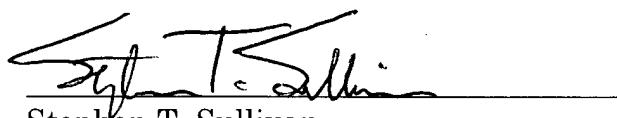
4. I have inspected a Xenarc® HID X6024 Sealed Beam Upgrade Kit (hereinafter the "Accused Infringing Product"), which according to my understanding is sold by Osram Sylvania Inc. (hereinafter "Sylvania"). I also inspected the packaging in which it came. The unit of the Accused Infringing Product that I inspected was provided to me by Mr. Gregg J. Ghelfi of RM Racing. I caused photographs of the Accused Infringing Product to be made, true and correct copies of which are attached hereto as Exhibit 1.

5. I also have made a rigid comparison of the Alleged Infringing Product with the claims of the captioned patent application. Based upon that analysis and

rigid comparison, it is my opinion that at least some of the claims of the patent application unquestionably are infringed by the Accused Infringing Product. The Xenarc® X6024 Sealed Beam Upgrade Kit is lamp assembly comprising a reflector including first and second reflective concave surface regions adjacent to one another. The first reflective concave surface region comprises a first curvature for directing light emanating from a first focal point adjacent to but spaced apart from the first reflective concave surface region into a near field beam. The second reflective concave surface region comprises a second curvature for directing light emanating from a second focal point adjacent to but spaced apart from the second reflective concave surface region into a far field beam. The Xenarc® X6024 Sealed Beam Upgrade Kit further comprises a high intensity discharge light source positioned substantially at the first focal point, a halogen light source positioned substantially at the second focal point, and a light-transmissive cover fitted over the reflector. The reflector is substantially circular.

Further Affiant Sayeth Not.

Signed this 2<sup>nd</sup> day of July, 2002.



\_\_\_\_\_  
Stephen T. Sullivan  
Reg. No. 32,444

STATE OF ARIZONA      )  
                            ) ss.  
County of Maricopa    )

SUBSCRIBED AND SWORN TO by Stephen T. Sullivan, before me, the  
undersigned notary public, this 2nd day of July, 2002.

Lisa A. Mansur  
Notary Public

My Commission Expires:

January 7, 2003

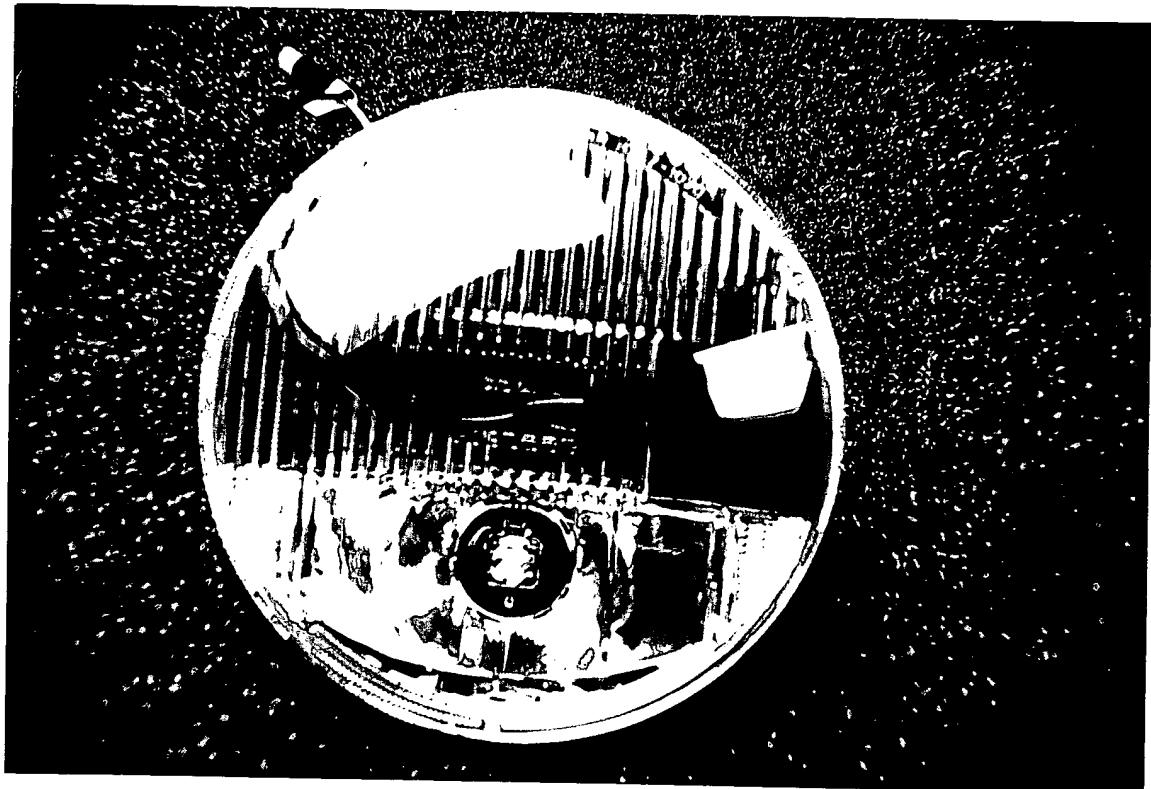
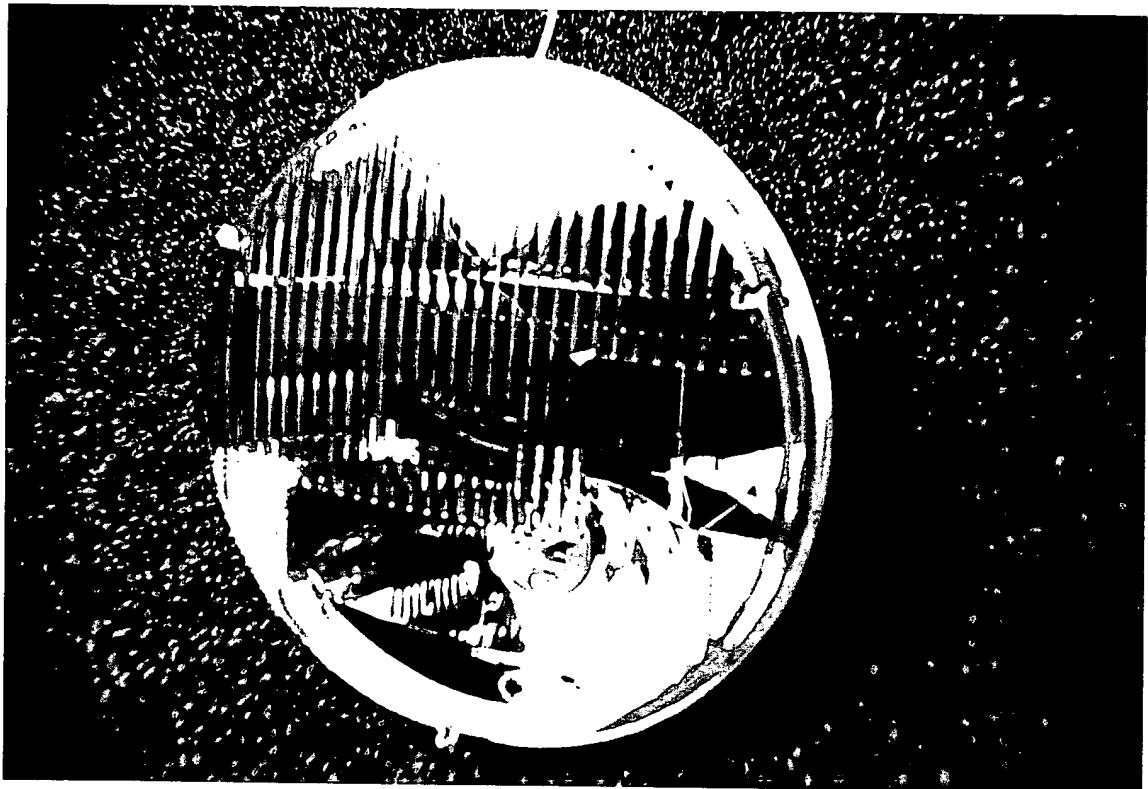


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Lia Mansur



**Exhibit 1**

